

DISTRICT OF NEW JERSEY  
UNITED STATES BANKRUPTCY COURT

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

Lynn T. Nolan, Esq. - 039952011  
GROSS POLOWY, LLC  
Formed in the State of Delaware  
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Attorneys for Creditor Freedom Mortgage  
Corporation

In Re:

THOMAS P MCCABE AKA THOMAS  
MCCABE, JR.  
ADRIANA M MCCABE AKA  
ADRIANA BARBARANO

Debtor(s).



Order Filed on February 10, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 19-32377-aba

Hearing Date: February 16, 2021

Judge: Andrew B. Altenburg, Jr.


Chapter: 13

Recommended Local Form: ☒ Followed ☐ Modified

**ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2), three (3) and four (4) is hereby **ORDERED**.

**DATED: February 10, 2021**

  
\_\_\_\_\_  
Honorable Andrew B. Altenburg, Jr.  
United States Bankruptcy Court

Applicant: Freedom Mortgage Corporation  
Applicant's Counsel: GROSS POLOWY, LLC - Lynn T. Nolan, Esq. - 039952011  
Debtor's Counsel: LAW OFFICE OF THOMAS DOWEY - Thomas E. Dowe  
Property Involved ("Collateral"): 3104 Sunset Avenue, Williamstown, NJ 08094  
Relief Sought: ☒ Motion for relief from the automatic stay  
☐ Motion to Dismiss  
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 10 months, from 04/01/2020 to 01/01/2021.
- ☒ The Debtor is overdue for 8 payments at \$1,619.96 per month.  
The Debtor is overdue for 2 payments at \$1,589.46 per month
- ☐ The Debtor is assessed for \_\_\_\_ late charges at \_\_\_\_ per month.
- ☒ Applicant acknowledges suspense funds in the amount of \$1,149.76 received.

Total Arrearages Due \$14,988.84.

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$4,500.00, payment shall be made no later than 02/16/2021.
- ☒ Beginning on 03/01/2021, regular monthly mortgage payments shall continue to be made in the amount of \$1,589.46.
- ☐ Beginning on \_\_\_\_\_, additionally monthly cure payments shall be made in the amount of \_\_\_\_\_ for \_\_\_\_\_ months.
- ☒ The amount of \$10,488.84 shall be capitalized in the debtor's Chapter 13 plan. The Debtor's monthly payment to the Chapter 13 Trustee is modified to \$1,118.00 per month for the remaining 46 months.
- ☒ The Secured Creditor may file an Amended/Supplemental Proof of Claim to reflect the amount being capitalized in the debtor's Chapter 13 Plan.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate Payment

Freedom Mortgage Corporation  
10500 Kincaid  
Fishers, IN 46037-9764

☒ Regular Monthly Payment

Freedom Mortgage Corporation  
10500 Kincaid  
Fishers, IN 46037-9764

☒ Monthly Cure Payment

Freedom Mortgage Corporation  
10500 Kincaid  
Fishers, IN 46037-9764

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within (30) day of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay.

☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney's fees of \$350.00 and costs of \$188.00.

The Fees and costs are payable:

☒ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ To the Secured Creditor within \_\_\_\_ days.

☐ Attorney's Fees are not awarded.

In re:  
Thomas P McCabe  
Adriana M McCabe  
Debtors

Case No. 19-32377-ABA  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-1  
Date Rcvd: Feb 10, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 12, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Thomas P McCabe, Adriana M McCabe, 3104 Sunset Ave., Williamstown, NJ 08094-4337

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 12, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 10, 2021 at the address(es) listed below:

Name	Email Address
Denise E. Carlon	on behalf of Creditor Mortgage Research Center LLC d/b/a Veterans United Home Loans, a Missouri Limited Liability Company dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Isabel C. Balboa	on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com summarymail@standingtrustee.com
Isabel C. Balboa	ecfmail@standingtrustee.com summarymail@standingtrustee.com
John R. Morton, Jr.	on behalf of Creditor HYUNDAI LEASE TITLING TRUST ecfmail@mortoncraig.com mortoncraigecef@gmail.com
John R. Morton, Jr.	on behalf of Creditor Ally Capital ecfmail@mortoncraig.com mortoncraigecef@gmail.com

District/off: 0312-1

User: admin

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Date Rcvd: Feb 10, 2021

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Total Noticed: 1

Lynn Therese Nolan

on behalf of Creditor FREEDOM MORTGAGE CORPORATION ecfnofices@grosspolowy.com lnolan@grosspolowy.com

Thomas E. Dowey

on behalf of Debtor Thomas P McCabe tdesquire@hotmail.com

Thomas E. Dowey

on behalf of Joint Debtor Adriana M McCabe tdesquire@hotmail.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

William E. Craig

on behalf of Creditor HYUNDAI LEASE TITLING TRUST mortoncraigecf@gmail.com mortoncraigecf@gmail.com

TOTAL: 10